

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:)
)
JAMES TROY CLARK) Case No. 11-36743-KLP
) Chapter 7
Debtor)

NOTICE OF MOTION AND NOTICE OF HEARING

The Debtor, James Troy Clark, by Counsel, has simultaneously with the filing of this Notice filed with the Court the attached Motion to Vacate the Order of Dismissal previously entered by the Court in this case (the “Motion”).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). Under Local Bankruptcy Rule 9013-1, unless a written response to the Motion which was previously served on you is filed with the Clerk of Court and served on the moving party within seven (7) days before the scheduled hearing date, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the relief requested.

PLEASE TAKE FURTHER NOTICE that a hearing has been set on the Motion before The Honorable Keith L. Phillips, on June 25, 2014 at 12:00 Noon in Courtroom 5100, 701 East Broad Street, Richmond, Virginia 23219. If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before 7 days before the hearing date you or your attorney must:

File with the Court, at the address shown below, a written response with supporting memorandum pursuant to Local Bankruptcy Rule 9013-1. You must mail or otherwise file it early enough so the Court will receive it on or before the due date identified herein.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street
Richmond, VA 23219-1888

You must also serve a copy on:

Robert B. Easterling, VSB #15552
2217 Princess Anne Street, Suite 100-2
Fredericksburg, VA 22401
(540)373-5030
(540)373-5234 Fax
eastlaw@easterlinglaw.com
Counsel for Debtor

Robert B. Easterling, Esquire
Counsel for Debtor
2217 Princess Anne Street, Suite 100-2
Fredericksburg, Virginia 22401

Office of the United States Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219-1849

If you or your attorney do not take these steps, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing.

MOTION TO VACATE DISMISSAL

COMES NOW the Debtor, James Troy Clark, by Counsel, and moves the Court under Rule 9024 Fed R Bankr P (Rule 60(b) FR Civ P) to vacate the dismissal order entered in this matter on May 29, 2014 and in support thereof says as follows:

1. On May 27, 2014 the Debtor had a scheduled telephonic meeting of creditors in this case. The Debtor failed to complete the call at the scheduled time.
2. The United States Trustee certified that the debtor or debtor's counsel had not appeared at the scheduled meeting of creditors. Counsel for the debtor did appear in person for the scheduled meeting of creditors.
3. The Debtor's case had been previously converted from a Chapter 13 case to a Chapter 7 case, and his meeting of creditors had been previously rescheduled in the Chapter 7 case due to an automobile accident experienced by the Debtor on the previously scheduled date. Because of the previously rescheduled meeting of creditors, Debtor's counsel was not able to obtain agreement to a second rescheduled meeting of creditors from the Office of the U.S. Trustee.
4. On May 29, 2014 this Court entered an Order of Dismissal pursuant to Local Rule 2003-1(B).

5. At the time of the scheduled telephonic meeting of creditors, and continuing to the present time, the Debtor was incarcerated in a federal penitentiary in the State of Georgia and, therefore, not able to attend the meeting of creditors in person.

6. The Debtor's telephonic privileges are very limited during his incarceration, and the debtor and the penitentiary failed to complete the required telephonic connections for his scheduled meeting of creditors at the required time.

7. The Debtor desires to reinstate and continue his Chapter 7 bankruptcy case and to perform the duties required of him in that regard, including telephonically attending the meeting of creditors. Due to the entry of the Order of Dismissal, the Debtor understands and believes that his meeting of creditors will need to be rescheduled and requests that the Court permit this to be done.

8. The Debtor has already completed his financial management course and filed his certificate in that regard.

WHEREFORE, the Debtor respectfully moves the Court to vacate its order of dismissal and reinstate his case, permit his meeting of creditors to be rescheduled as a telephonic hearing due to his incarceration, and for such other and further relief as this Court may deem appropriate.

James Troy Clark

By: /s/Robert B. Easterling

Robert B. Easterling
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2014, I served by electronic mail using the ECF filing system, or by first-class mail, postage prepaid, with return address clearly shown, copies of the foregoing Motion to Vacate Dismissal on all creditors and parties in interest as shown on the attached matrix.

/s/Robert B. Easterling

Robert B. Easterling

Judy A. Robbins 11
 Office of the U.S. Trustee - Region 4 -R
 701 E. Broad Street, Suite 4304
 Richmond, VA 23219-1849

Midland Funding LLC by American InfoSource L
 Attn: Department 1
 PO Box 4457
 Houston, TX 77210-4457

Midland Funding LLC by American InfoSource L
 PO Box 4457
 Houston, TX 77210-4457

Recovery Management Systems Corporation
 25 SE 2nd Ave Ste 1120
 Miami, FL 33131-1605

Specialized Loan Servicing LLC
 8742 Lucent Blvd Suite 300
 HIGHLANDS RANCH, CO 80129-2386

THE BANK OF NEW YORK MELLON
 9441 LBJ Freeway, Suite 350
 Dallas, TX 75243-4652

The Bank of New York Mellon FKA The Bank of
 8742 Lucent Blvd
 Suite 300
 Highlands Ranch, CO 801292386

Bruce H. Matson
 LeClair Ryan, A Professional Corporation
 P.O. Box 2499
 Richmond, VA 23218-2499

(p)CREDITORS BANKRUPTCY SERVICE
 15660 DALLAS PKWY
 SUITE 300
 DALLAS TX 75248-3354

American InfoSource LP as agent for
 T Mobile/T-Mobile USA Inc
 PO Box 248848
 Oklahoma City, OK 73124-8848

Bank of America Home Loans Svcs LP
 Attn: Customer Service CA6-919-01-4
 P.O. Box 5170
 Simi Valley, CA 93062-5170

Bank of New York Mellon
 c/o ALG Trustee, LLC
 P.O. Box 2548
 Leesburg, VA 20177-7754

Bank of New York Mellon
 c/o Recontrust Company
 2380 Performance Dr TX2-985-07-03
 Richardson, TX 75082-4333

Capital One Bank
 P.O. Box 30285
 Salt Lake City, UT 84130-0285

Chase
 P.O. Box 15298
 Wilmington, DE 19850-5298

Chase
 c/o Equable Ascent Fncl LLC
 1120 W Lake Cook Rd #B
 Buffalo Grove, IL 60089-1970

CitiFinancial
 Bankruptcy Dept.
 P.O. Box 6042
 Sioux Falls, SD 57117-6042

(p)DELL FINANCIAL SERVICES
 P O BOX 81577
 AUSTIN TX 78708-1577

Dell Financial Services L.L.C.
 c/o Resurgent Capital Services
 PO Box 10390
 Greenville, SC 29603-0390

Department Stores National Bank/Macys
 Bankruptcy Processing
 PO Box 8053
 Mason, OH 45040-8053

Equable Ascent Financial, LLC
 c/o Recovery Management Systems Corp
 25 SE 2nd Avenue Suite 1120
 Miami FL 33131-1605

FST BK DEL
 c/o NCA
 P.O. Box 550
 Hutchenson, KS 67504-0550

First Premier Bank
 P.O. Box 5524
 Sioux Falls, SD 57117-5524

GE Capital Retail Bank
 c/o Recovery Management Systems Corp
 25 SE 2nd Ave Suite 1120
 Miami FL 33131-1605

GE Money Bank/Walmart
 Attn: Bankruptcy Dept
 P.O. Box 103104
 Roswell, GA 30076-9104

Granite Recovery LLC
 c/o Recovery Management Systems Corp
 25 SE 2nd Avenue Suite 1120
 Miami, FL 33131-1605

(p)INTERNAL REVENUE SERVICE
 CENTRALIZED INSOLVENCY OPERATIONS
 PO BOX 7346
 PHILADELPHIA PA 19101-7346

Jefferson Capital Systems LLC
 PO BOX 7999
 SAINT CLOUD MN 56302-7999

Kay Jewelers
 P.O. Box 3680
 Akron, OH 44309-3680

Macy's
 Bankruptcy Processing
 P.O. Box 8053
 Mason, OH 45040-8053

Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

Attn: Department 1

PO Box 4457

Houston, TX 77210-4457

Navy Federal Credit Union
P.O. Box 3000
Merrifield, VA 22119-3000

Office of the U.S. Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219-1849

Portfolio Investments I LLC
c/o Recovery Management Systems Corp
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

Portfolio Investments II LLC
c/o Recovery Management Systems Corporation
25 SE 2nd Avenue Suite 1120
Miami, FL 33131-1605

Premier Bankcard/Charter
P.O. Box 2208
Vacaville, CA 95696-8208

Progressive Halcyon Insurance
7075 Halcyon Park Drive, #200
Montgomery, AL 36117-7763

Progressive Halcyon Insurance
c/o Credit Collection Service
P.O. Box 9134
Needham, MA 02494-9134

Progressive Insurance Co
6300 Wilson Mills Road
Mayfield Village, OH 44143-2182

Progressive Insurance Co
c/o NCO Financial
P.O. Box 15636
Wilmington, DE 19850-5636

Quantum3 Group LLC as agent for
Genesis Financial Solutions INC
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
MOMA Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Sallie Mae Inc. on behalf of TGSAC
P.O. Box 83100
Round Rock, TX 78683-3100

Sallie Mae Servicing Corp
P.O. Box 9500
Wilkes-Barre, PA 18773-9500

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Raleigh, NC 27612-6342

T-Mobile Customer Relations
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Albuquerque, NM 87176-7380

Target
Bankruptcy Department
PO Box 1327
Minneapolis, MN 55440-1327

Target
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8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

The Bank of New York Mellon
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101 Barclay St-4W
New York, NY 10286-0001

The Bank of New York Mellon, etc.
c/o Bank of America, N.A.
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Simi Valley, CA 93065-6414

The Partnership FCU
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